



PUBLIC NOTICE

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**Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554**

**DA 02-650
March 18, 2002**

**COMMENTS INVITED ON WINSTAR WIRELESS, INC. APPLICATION TO
DISCONTINUE DOMESTIC AND INTERNATIONAL
TELECOMMUNICATIONS SERVICES**

NSD File No. W-P-D-572

Comments Due: April 1, 2002

**Section 214 Application
Applicant: Winstar Wireless, Inc.**

On **March 18, 2002, Winstar Wireless, Inc.** (Winstar or Applicant) and its domestic subsidiaries¹, located at **1850 M Street, NW, Suite 300, Washington, DC 20036**, filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, 47 U.S.C. § 214(a), and sections 63.19 and 63.71 of the Commission's rules, 47 C.F.R. §§ 63.19 and 63.71, to discontinue certain of its domestic and international telecommunications

¹ Winstar Wireless of Georgia, LLC; Winstar Wireless of Indiana, LLC; Winstar Wireless of New Jersey, LLC; Winstar Wireless of New York, LLC; Winstar Wireless of Pennsylvania, LLC; Winstar Wireless of Virginia, LLC; Winstar Wireless of West Virginia, LLC.

services.²

The application indicates that Winstar seeks authority to discontinue providing certain wireline, facilities-based, non-governmental services. Specifically, Applicant seeks authority to discontinue providing facilities-based, local and interexchange services, which it provides by leasing wireline facilities from an underlying carrier. Winstar proposes to discontinue these service to certain non-governmental entities in Arizona, California, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Massachusetts, Maryland, Michigan, Minnesota, New Jersey, New York, Pennsylvania, Texas, Virginia,

² Footnote number 9 of Winstar's application implies that it also seeks discontinuance authorization from the Commission's International Bureau to discontinue international service. *See* 47 C.F.R. § 63.19. Section 63.19 requires that notice of discontinuance of international services must be made in writing at least sixty (60) days prior to the planned action. 47 C.F.R. § 63.19(a)(1). Winstar states that it believes that there is good cause to authorize notice of its customers related to this application of the discontinuance of international services on thirty (30) days notice because of deadlines imposed by the bankruptcy court.

and Washington.

Winstar states that it proposes to discontinue only its wireline facilities-based non-governmental services to commercial subscribers. Applicant explains that it will continue to offer its facilities-based fixed wireless services to commercial subscribers in buildings where it has wireless facilities, and certain other services, including resold local and interexchange services, private line services, and broadband connectivity. Winstar also explains that it will continue to offer its wireline and fixed wireless facilities-based services to government customers under its Government Service Administration (GSA) Metropolitan Area Acquisition (MAA) contracts.

Applicant states that on March 15, 2002, it mailed out individual written notices of the proposed discontinuance to each affected customer, in conformance with Commission rules.³

According to the application, Winstar seeks discontinuance authority because it is concentrating on a managed, orderly transition of its business. Applicant explains that it intends to protect and strengthen its fixed wireless services, and to eliminate its wireline, facilities-based, non-governmental services. Winstar states that the latter represents approximately forty-eight percent (48%) of its cost of revenue for the provision of switched network voice telephony, while only accounting for approximately twelve and a half percent (12.5%) of its customers. Furthermore, Winstar states that the cost involved in providing these services is approximately one hundred thirty percent (130%) of the revenue those services produce.

In accordance with 47 C.F.R. § 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified Applicant that the grant will not be automatically effective. The FCC will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity is otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.⁴ Comments objecting to this application must be filed with the Commission by **April 1, 2002**. Such comments should refer to application file number **W-P-D-572**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Two (2) copies of the comments should also be sent to the Network Services Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, SW, Room 6-A207, Washington, DC 20554, Attention: Carmell Weathers. Comments should also be served upon Applicant. Commenters are also requested to fax their comments

³ See 47 C.F.R. § 63.71(a)(5)(i).

⁴ See generally 47 C.F.R. §§ 1.1200 - 1.1216.

to the FCC at (202) 418-2345, Attention: Jon Minkoff.

Interested parties who wish to file comments via messenger-delivery or hand-delivery are also notified that effective December 18, 2001, the Commission will only receive such deliveries weekdays from 8:00 a.m. to 7:00 p.m., via its contractor, Vistronix, Inc., located at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. **The Commission no longer accepts these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743.** Please note that all hand deliveries must be held together with rubber bands or fasteners, and envelopes must be disposed of before entering the building. In addition, this is a reminder that as of October 18, 2001, the Commission no longer accepts hand-delivered or messenger-delivered filings at its headquarters at 445 12th Street, SW, Washington, DC 20554. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location is open weekdays from 8:00 a.m. to 5:30 p.m. USPS First-Class, Express, and Priority Mail should be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The following chart summarizes this information:

TYPE OF DELIVERY	PROPER DELIVERY ADDRESS
Hand-delivered or messenger-delivered paper filings	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (Weekdays - 8:00 a.m. to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (this type excludes USPS Express and Priority Mail)	9300 East Hampton Drive, Capitol Heights, MD 20743 (Weekdays - 8:00 a.m. to 5:30 p.m.)
USPS First-Class, Express, and Priority Mail	445 12 th Street, SW Washington, DC 20554

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at qualexint@aol.com.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@fcc.gov, or Jon Minkoff (202) 418-2353 (voice), jminkoff@fcc.gov, of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit the Network Services Division web site at: <http://www.fcc.gov/ccb/nsd/documents/214.html>.

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